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ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
DODE-00 H-01 NSC-01 NSAE-00 SY-06 HA-08 L-03
PM-08 PA-01 MCT-02 OMB-01 SAL-01 USIE-00 SP-02
SNP-01 PRS-01 /080 W

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R 301624Z JUN 83
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 7755
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO
USCINCSO QUARRY HTS PN

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

() Release () Excise () Deny

Exemption(s):

Declassify: () In Part () In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

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CINCSO FOR INTAFF

E.O. 12356: DECL:OADR
TACS: PINS, PGOV, SHUM, AR
SUBJ: ALFONSIN'S HUMAN RIGHTS PROGRAM

REF: (A) BUENOS AIRES 4357, (B) BUENOS AIRES 3986

1. SUMMARY: RAUL ALFONSIN, PROBABLE RADICAL PARTY
CANDIDATE FOR THE PRESIDENCY IN THE OCTOBER ELECTIONS,
HAS UNVEILED A PLAN FOR SUPPRESSING POLITICAL TERRORISM
WHILE PROTECTING INDIVIDUAL RIGHTS AND CONSTITUTIONAL
GUARANTEES. COUCHED IN A STRONG ATTACK ON HARDLINE
MILITARY ATTITUDES, ALFONSIN APPEARED TO FRAME HIS
PROGRAM TO APPEAL TO THE SECOND ECHELONS OF THE ARMED
SERVICES. HE OFFERS NO COMFORT WHATSOEVER TO THOSE
IN HIGH COMMAND POSITIONS DURING THE DIRTY WAR. HIS
APPROACH, HOWEVER, WILL HAVE BROAD POPULAR SUPPORT.
END SUMMARY.

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2. (U) FRESH FROM HIS WEEKEND SWEEP OF INTERNAL RADICAL PARTY ELECTIONS IN SEVERAL PROVINCES (SEPTTEL), ALFONSIN CALLED A PRESS CONFERENCE JUNE 28 TO SET FORTH HIS NINE-POINT RIGHTS PACKAGE. HE USED THE OCCASION TO ATTACK MILITARY ATTITUDES THAT ARGUE FOR THE EXTIRPATION OF POLITICAL SUBVERSION AT ANY COST, ATTITUDES MANY FEEL RESULTED IN THE CAMBIASO-PEREIRA ROSSI DEATHS. SPECIFICALLY HE CONDEMNED THE JUNE 23 SPEECH OF THE BUENOS AIRES POLICE CHIEF, ARMY GENERAL FERNANDO VERPLAETSEN (REF A), FOR SUGGESTING THAT INDIVIDUALS SUSPECTED OF SUBVERSION COULD BE ELIMINATED WITHOUT RECOURSE TO JUSTICE AND ANYONE WHO OBJECTED WOULD BE LABELED "ANTIPATRIOTIC." ALFONSIN SAID VERPLAETSON, WHO WAS PUBLICLY SUPPORTED BY ARMY COMMANDER CRISTINO NICOLAIDES WHEN A STORM BROKE OVER THE SPEECH, HAD "DECLARED WAR ON DEMOCRACY" AND WOULD HAVE THE COUNTRY RETURN TO 1976 WHEN "THE DEVIL WAS FOUGHT WITH HIS OWN WEAPONS AND THE INEVITABLE HAPPENED -- ARGENTINA BECAME A HELL." "IF THIS IS ALL THE ARMY LEADERSHIP HAS TO SAY TO THE COUNTRY, THEN THAT ARMY SHOULD KNOW THERE WILL BE NO GENEROUS DEMOCRACY... THE MILITARY SHOULD KNOW ONCE AND FOR ALL: THE ARMED FORCES YES, THE APPARATUS OF TERROR, NEVER... FOR THE ARMED FORCES DISPOSED TO DEFEND AND STRUGGLE FOR DEMOCRACY, GENEROSITY. FOR THOSE ACTING ILLEGALLY, THE PUNISHMENT OF THE LAW. LET THEM DECIDE."

3. (U) THE RADICAL FRONTRUNNER ALSO ADDRESSED HIMSELF TO THE PAST. HE SAID THAT IF THE QUESTION OF RESPONSIBILITY OF THE ARMED FORCES FOR THE ACTION OF THEIR SECURITY SERVICES IN THE ANTI-TERRORIST STRUGGLE IS NOT RESOLVED, DEMOCRACY WILL NOT BE POSSIBLE IN ARGENTINA. HE DEFINED THAT RESPONSIBILITY ON THREE DISTINCT LEVELS: (A) THOSE

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WHO TOOK THE POLITICAL DECISIONS, (B) THOSE WHO EXCEEDED THE AUTHORITY RECEIVED IN ORDERS FROM ABOVE, AND (C) THOSE WHO FOLLOWED ORDERS IN THE CONVICTION THE ACTS THEY CARRIED OUT WERE LEGITIMATE. IN THE LAST CATEGORY, HE SAID THESE INDIVIDUALS SHOULD BE CONSIDERED AS HAVING ACTED UNDER HIERARCHICAL DISCIPLINE IN THE LINE OF DUTY.

4. (U) THE SPECIFICS OF ALFONSIN'S PROGRAM ARE A BLEND OF CIVIL LIBERTIES PROTECTION AND TOUGHNESS IN DEALING

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WITH TERRORISM. THE PLAN HAS ELEMENTS THAT COULD STRIKE A CHORD IN A CITIZENRY SICK OF MILITARY GOVERNMENT AND ITS SOMETIME ARBITRARY TREATMENT OF THE INDIVIDUAL, YET FEARFUL AT THE PROSPECT OF NEW OUTBREAKS OF POLITICAL STRIFE AND VIOLENCE. IF ALSO WOULD REACH FURTHER INTO THE CIVIL LIBERTIES FIELD, MAKING SEXUAL, RACIAL OR RELIGIOUS DISCRIMINATION A CRIME AND OFFERING ASSISTANCE OF THE STATE TO PRIVATE ORGANIZATIONS PROMOTING HUMAN RIGHTS.

5. (U) WHILE ALFONSIN HAS PROMOTED SOME OF THE IDEAS EARLIER IN HIS CAMPAIGNING (REF B), JUNE 28 WAS THE FIRST TIME HE PUT THEM TOGETHER AS A PACKAGE FOR THE ELECTORATE. ITS MAIN POINTS: "APPROPRIATE LEGISLATION" TO REPRESS TERRORISM OF ALL STRIPES, AND SPEEDING UP THE JUDICIAL PROCESS IN SUCH CASES WITHOUT WEAKENING THE GUARANTEES OF COURT DEFENSE; CREATION OF A SPECIAL POLICE FORCE TO DEAL WITH TERRORISM AND A SEPARATE INTELLIGENCE SERVICE FOR THE INTERIOR MINISTRY, LEAVING THE INDIVIDUAL INTELLIGENCE SERVICES OF THE ARMED FORCES TO THEIR MILITARY FUNCTION; AND CREATION OF AN INVESTIGATIONS BRANCH OF THE JUDICIAL BRANCH WHICH, HOWEVER, WOULD BE STRICTLY LIMITED IN ITS POLICE POWERS. OUTLAWED WOULD BE ALL FORMS OF TORTURE, AND THE CONSTITUTION WOULD BE REFORMED TO SET FORTH AS RIGHTSHABEAS CORPUS, INDIVIDUAL PROTECTION

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(AMPARO), AND OPPOSITION TO DE FACTO GOVERNMENT. STATE-OF-SEIGE POWERS WOULD BE RESTRICTED. THE RESPONSIBILITY OF THOSE WHO PROMOTE OR COOPERATE WITH DE FACTO REGIMES WOULD ALSO BE FIXED IN LAW.

6. [REDACTED] COMMENT: ALFONSIN'S COMMENTS AND PROPOSALS ARE CONSISTENT WITH THE LINE HE HAS BEEN TAKING SINCE FORMALLY STARTING HIS CAMPAIGN AT THE BEGINNING OF THE YEAR, AND IN THAT RESPECT DISTINGUISH HIM FROM HIS COMPETITORS WHO WOULD PREFER TO AVOID THE PROBLEM. TAKEN TOGETHER, HOWEVER, THEY DON'T POINT TO ANY IMMEDIATE "SOLUTION". SAYING THAT THOSE WHO DID NO MORE THAN FOLLOW LEGITIMATE ORDERS WOULD BE DEALT WITH LENIENTLY, COULD HAVE SOME APPEAL IN THE LOWER RANKS. BUT ALSO SAYING THAT THOSE WHO COMMANDED OR WERE GUILTY OF CRIMES MUST BEAR THE HEAVIEST RESPONSIBILITY FOR DIRTY WAR EXCESSES IS THE VERY TYPE OF "NUREMBURG" JUDGMENT THE MILITARY LEADERSHIP SAYS IT WILL NEVER ACCEPT.

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HOWEVER, THE PROGRAM FOR HANDLING SUBVERSION AND THE MILITARY/POLICE/COURT FUNCTIONS IN THE FUTURE APPEARS TO BE A LOGICAL AND APPEALING APPROACH. IF A CONSENSUS ON HANDLING THE PROBLEMS OF THE PAST COULD BE DEVELOPED - A BIG IF, ALFONSIN'S SCHEME FOR THE FUTURE MIGHT BE THE BASIS FOR CONSTRUCTIVE ACTION. SHLAUDEMAN

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